

Regular Meeting of California Borough Council, September 12, 2013, 6:30 pm

President Bittner called the meeting to order at 6:30 pm

ATTENDANCE: Mr. Alfano, Mr. Bittner, Mr. Difilippo, Mr. Encapera, Mr. Glab, Mr. Mariscotti

ABSENT: Mrs. Gutosky and Mayor Durdines

**MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE**

ADDITIONS OR CHANGES TO AGENDA

Mr. Difilippo added update on meeting with Water Company concerning Highpoint
Mr. Alfano added Sepesky subdivision and the conditional use hearing that occurred at 5:30 tonight
President Bittner stated the agenda will stand as printed and amended.

PUBLIC COMMENT

No public comment at this time

MINUTES

Motion by Difilippo/Mariscotti to accept the minutes of the regular meeting of august 8, 2013 duly carried with all members present stating aye.

BID OPENING FOR WASTE CONTRACT

Residential / Recycling

Bid with no exceptions

	Advanced Disposal	County Hauling	Waste Management
2013-2014	\$29.91	\$35.25	\$39.81
2014-2015	\$30.51	\$35.25	\$40.92
2015-2016	\$31.18	\$36.30	\$42.06

Bid With Exceptions

	Allied Waste	Waste Management
2013-2014	\$44.25	\$36.81
2014-2015	\$45.15	\$37.92
2015-2016	\$46.00	\$39.06

NON RESIDENTIAL

Mr. Melenzyer asked if the commercial could be put on a spreadsheet or photocopy the non - residential bids and emailed to all bidders due to the lengthy process of reading all 9 bid items over a three year period for the four bidders. The bidders present asked that just the bids for the first year at one pick up per week be read. Copy of non-residential bids will be attached to these minutes. Mr. Agrafiotis stated there is one sole provider for the borough and it is all or nothing.

Mr. Bittner stated he thinks after conferring with the solicitor he will ask for a motion to table the bids for a review and we will continue this meeting until next because it is time sensitive.

Motion by Alfano/Glab to table the bids until next week duly carried with all members present stating aye.

CONTINUED MEETING

Mr. Bittner asked for a motion to continue this meeting until next Wednesday at 6:00.
Motion by Difilippo/Glab to continue this meeting until Wednesday the 18th at 6:00 pm duly carried with all members present stating aye.

SECRETARY'S REPORT – MS. EVANS

Ms. Evans read the accounts payable and account balances for August 2013.
Motion by Difilippo/Alfano to accept the Secretary/Treasurer's report duly carried with all members present stating aye.

PRESIDENT'S REPORT – MR. BITTNER

TECHNOLOGY DRIVE

Mr. Bittner stated that we discussed this at the committee meeting and from the Appalachian fund secured through the Redevelopment Authority and they could offer \$300,000.00 toward this and the Redevelopment Authority will offer \$400,000.00 and they asked that we put in \$200,000.00. He proposed at the committee meeting that we put in \$100,000.00 and apply from the LSA to get the other \$100,000.00. He asked council what their wishes are. He added that the cost to redo that road would be between \$800,000.00 and \$900,000.00. Mr. Alfano stated that we have approached the University to apply for the LSA money since we have a common interest with the new hotel being built there along that roadway but we don't know how that will go. Mr. Bittner stated we reviewed the funds and the funds are available and could come out of our road repair fund which consists of 2 mils of our taxes. Mr. Difilippo asked if that is our road up there. Mr. Bittner stated you can call it whatever you want to call it but it is his opinion it is our road. It has been deeded to us and we have plowed and maintained it but it was not formally accepted in the minutes of council. Mr. Mariscotti asked if we receive liquid fuels money for that road. Mr. Glab stated if we do not that is our fault because we never made application then. Mr. Glab stated when you look at that road, and we all understand that the University is the borough's largest employer but collectively you probably have between 200-250 employees maybe even more than that working along that road and he believes we have some obligation to consider this. Mr. Bittner stated that he doesn't think the opportunity from all these funding sources will come along again and this borough would never be able to afford to rebuild that road on our own.

Motion by Mariscotti/Encapera to approve contributing \$100,000.00 toward the rebuilding of Technology Drive duly carried on a roll call vote with all members present voting yes except Mr. Alfano who voted no.

Motion by Mariscotti/Difilippo to prepare an LSA grant in the amount of \$100,000.00 to be towards Technology Drive duly carried on a roll call vote with all members present voting yes except Mr. Alfano who voted no.

MID MON VALLEY INTERGOVERNMENTAL COOPERATIVE

Under the Mon Valley Progress Council we belong to the Mid Mon Valley Inter Governmental Cooperative and they are applying for \$25,000.00 grant through the LSA funding are asking council for a motion supporting their effort for this grant.

Motion by Glab/Mariscotti to support the Mid Mon Valley Intergovernmental cooperative in their venture to pursue a \$25,000.00 LSA funding grant duly carried with all members present stating aye.

Mr. Bittner stated we are going to have a peer review of our street department done through the Mid Mon Valley Progress council and then they will offer suggestions on how to be more efficient and things along those lines. So we are reaping some benefit from our membership.

PLANNING COMMISSION

Mr. Bittner announced that on September 26th at 2:00 pm Mr. Guy Totino, who was in before on a proposal for the Hollywood Theatre site and the Sheehan site, along with Kerry Fox and would like to meet with any council members and planning commission members who would be available at that time. He just wants to hear what Mr. Filoni proposed for the downtown area and he would like to present a few ideas that he has other than what he presented the last time.

TRANSFER OF FUNDS

Mr. Bittner stated we need a motion to transfer from the Bond Proceed Account to the General fund the amount of \$2,548.14 to pay CM Services invoice. This is the outfit that Ken Kulak works for and they are doing the design and review for the addition to the borough building.

Motion by Difilippo/Glab to transfer from the Bond Proceed Account to the General fund the amount of \$2,548.14 to pay CM Services invoice carried on a roll call vote with all members present voting yes.

Mr. Kulak stated that he has created a 3d computer generated model of the proposed addition and modifications to the borough building and would like to present it council the week following next. Mr. Kulak stated he will notify Jon by email when it is ready.

PUBLIC HOUSING – MR. ALFANO

ZONING/CODE ENFORCEMENT UPDATE

Mr. Alfano stated that he has an extensive code enforcement report containing multiple situations and violations that they have been investigating and following up on. August was the second highest month of income for this office due to the huge numbers of inspections. We took in \$61,011.88 for inspections in August so that brings our yearly total to \$220,872.28 for the year.

PLANNING COMMISSION REPORT

Mr. Alfano stated we have a report on the Sepesky Subdivision and their Conditional Use Hearing from the planning commission and they are recommending these be approved.

SHANNON KRATZER – BCO CLASSES

Mr. Alfano stated we have a request from Shannon Kratzer to attend a Building Code Officer classes that are being held in Enola, PA from November 4th through November 8th. The cost will be \$375.00 for class & materials, \$345.00 for five nights of lodging, plus cost of meals, mileage, and his wages. Mr. Alfano stated he doesn't have the total but he's thinking it's going to be somewhere in the \$1,500.00 - \$2,000.00 range.

Motion by Alfano/Mariscotti to send Shannon Kratzer to the BCO classes in Enola from November 4th through November 8th.

Mr. Glab asked if we have a meal allowance for instances like this. Mr. Alfano stated breakfast and lunch are included with the cost of the class. So the only meal we would be responsible for is dinner and he doesn't know if we have a dollar amount set yet. Mr. Melenzyer stated the motion is appropriate to send him to the week class but the money portion of it we should get a little bit closer. Mr. Encapera asked if this is a requirement or a renewal or something that has to be done. Mr. Alfano stated no this would be expanding his ability to do inspections. Mr. Alfano stated if he would actually get all his certifications then some day we could not have a contractor as our outside inspection agencies. Mr. Difilippo asked if we send him to this and pay for everything then 3 or 4 months down the road and next thing you know he's gone. Mr. Alfano stated it happens all the time, we train them and educate them and then they get a better job but there are no guarantees. Mr. Difilippo stated he's not arguing about sending him but there should be some kind of guarantee or stipulations that if he leaves then he pays that back. Mr. Alfano stated he doesn't know what the chances would be to get that agreement signed.

Motion by Alfano/Mariscotti to table this motion to the continued meeting next Wednesday carried with all members present stating aye except Mr. Encapera stating nay.

LSA GRANT APPLICATION

Mr. Alfano stated that since they, the Recreation Authority, missed the round through the DCED for an application for the second phase of the loop trail they have already paid EP & D a certain amount of money to do design and grant application so they are going to make application through LSA for the second phase of the Loop Trail Project. The thing is that council is still the official decision maker and governing body so he will have to ask council to approve a resolution of support for this LSA grant. This will not commit council to any amount of money because the Recreation Authority is paying for grant application and the other stuff. It is about a \$400,000.00 project but at least there wouldn't be any match on our part if we could get them to pay for the 50% match. So at this time he's making the following motion

Motion by Alfano/Mariscotti that council approve a resolution of support for the LSA grant and he will have specific language of course that would be provided duly carried with all members present voting yes.

SEPESKY COMBINATION PLAN

Motion by Alfano/Mariscotti to the Sepesky combination plan that is a subdivision plan and a plan of survey for James & Scott Sepesky and is located at Second & Wood Streets, and it is a combination plan combining 4 existing parcels totaling 18,000 square feet into one parcel for the purpose of developing the site into a mixed use structure with businesses on the first floor and residential on upper floors and parking on the rear of the property. We have letters from the Planning commission, solicitor and the engineers recommending approving the plan with the following conditions; that they add the adjacent property owners name to the plan.

Motion by Alfano/Mariscotti to approve the Sepesky consolidation plan conditional to the completion of the correction to the plan as identified by Fayette Engineering's review dated August 29, 2013 duly carried on a roll call vote with all members present voting yes.

CONDITIONAL USE HEARING – SEPESKY PLAZA MIX USE DEVELOPMENT

Mr. Alfano stated council held a conditional use hearing prior to tonight's meeting on the Sepesky plaza mixed use development plan that would be in the corridor of Second & Wood Streets.

Motion by Alfano/Mariscotti to approve this Mixed Use development as they have provided with the following conditions; there is an ingress/egress on Second Street which they will have to get approval from council to have two meters removed and get a curb cut on Second Street, and have adequate parking and the parking remain at no less than 37 spaces duly carried with all members present voting yes.

PUBLIC WORKS – MR .MARISCOTTI

STREET DEPT. UPDATE

Mr. Mariscotti stated the street department is conducting normal operations.

DUMP TRUCK

Mr. Mariscotti stated the 2001 dump truck has transmission problems and has been fixed under warranty and Ford is refusing to fix it again under warranty even though it has been replaced once. We went ahead and took it to Allstar and he has two quotes from Allstar to install either a used transmission or reconditioned transmission in it. The used transmission is \$2,413.00 and for the new remanufactured transmission it is \$4,188.00. Both have a core charge on them and the used transmission price has a \$400.00 core charge. Part of the issue is we are not going to have a core because the transmission that comes out will need to be kept and examined to determine what happened to it. He asked council what their pleasure is. Mr. Difilippo stated the new transmission is a remanufactured one? Mr. Mariscotti stated and it has a 3 year 100,000 miles warranty and the used transmission has 90 day warranty parts only. Mr. Difilippo asked how many miles are on that dump. Mr. Glab stated about 60,000. Mr. Bittner stated just remember we ordered a new truck to replace that truck and he doesn't know what the other council members thought but he thought that the old truck would be sold once the new truck came in. Mr. Alfano asked if anyone has an idea of what the value of that vehicle is. Mr. Bittner stated the last one was sold to W. Brownville for \$10,000.00 and it was a 99. Mr. Glab stated he asked Jeff about it and he said it is worth about \$2,000.00 with a transmission that is not operable. Mr. Alfano stated if it is has a remanufactured transmission in it it would be about \$6,000.00 and he'll give you \$6,000.00 for it right now. Mr. Alfano stated nobody is going to buy it without a transmission in it. Mr. Bittner stated it is his opinion to put the used transmission in it and be done with it. Mr. Mariscotti agreed. Mr. Bittner stated we'll probably have some time of litigation with Ford which is going to add to the cost also. Mr. Glab asked that this be tabled until the continued meeting so we can get some prices on resell value. Mr. Mariscotti stated he has just looked up what this dump is worth and this is not a dump but just a cab and chassis and it looks like \$12,900.00 with fair condition of truck and with the plow package. Just not a dump.

PUBLIC SAFETY – MR. GLAB & MR. ENCAPERA

2014 NON-UNIFORM MINIMUM OBLIGATION

Motion by Glab/Difilippo to approve the 2014 Minimum Obligation for the Non –Union pension fund of an obligation of \$43,135.64 duly carried on a roll call vote with all members present voting yes.

2014 UNIFORM MINIMUM OBLIGATION

Motion by Glab/Difilippo to approve the Minimum Obligation for the Uniform or the police at zero dollars duly carried on a roll call vote with all members present voting yes.

LONG BRANCH BOROUGH CONTRACT

Mr. Glab stated we currently have a contract with Long Branch Borough to patrol in Long Branch and the contract states specific milestones that have to occur the first of which being each party has to notify the other by September 30th of our intent to either continue the contract and renegotiate a price or to withdraw from the contract for the following calendar year. Mr. Glab stated that he has discussed this with the Chief and he feels that it is advantageous for us to continue this. He stated we can sit down and negotiate a price with them but we first have to let our intentions be known.

Motion by Glab/Alfano to send official notification to Long Branch Borough that we intend to pursue the contract for the 2014 calendar year duly carried on a roll call vote with all members present voting yes.

Mr. Glab instructed the solicitor to write the letter.

NEW POLICE VEHICLE

Mr. Encapera stated we are in need of a new police car and have entertained a few bids and he would like to make the following motion;

Motion by Encapera/Glab to purchase a 2014 Ford Utility Police Interceptor at a price of \$30,750.00 from Woltz & Wind Ford out of Heidelberg, Pennsylvania

Under discussion Mr. Bittner asked if that included police equipment on it. Mr. Encapera stated that price is with equipment on it. He added that if there is an adjustment for equipment then we can make another motion in the future. Mr. Encapera asked Chief Encapera if this price includes the police equipment already installed on it. Chief Encapera stated the police package has an extra cost on that and it goes T Force to put in the vehicles. Mr. Bittner stated so this is for the vehicle only and the T Force bid is how much. Mr. Glab stated he believes this price is the price out the door with the equipment package on it and he believes the only thing this price does not include is a radio installation. We will have to purchase a radio and have it installed and purchase decals. Mr. Encapera stated he wants the decal to be done by who we've used in the past. Mr. Bittner stated he looked at those bids and that T Ford was between \$ 5,000.00 and \$7,000.00 for equipment. Mr. Bittner stated if they are putting that entire package on installed we're getting one heck of a deal. Mr. Glab stated the base price for the vehicle is \$29,960.00 and the balance of the difference is for the other features such as running lamps, dark car feature, red & white dome, cargo to grill lights, the rear view camera, hidden locks, rear power deletes, and the mirror trafficking. Mr. Bittner asked if there is a push bar like the University. Mr. Encapera stated it is the same specifications as the University, the same exact car and that is where they bought theirs. Mr. Bittner stated he is having a tough time believing that price and if it is that price we should buy two. Mr. Encapera stated he wanted to make a motion to buy two but right now we can't. Mr. Bittner stated he is being facetious because he's having a tough time believing that price. We paid more than that for the last patrol car we bought and you're getting a lot more with this one at a lower price. He stated we paid more money than that for the cars we got. Mr. Bittner asked how it would be funded and the motion was amended as follows.

Motion was amended by Encapera/Glab to purchase a 2014 Ford Utility Interceptor from Woltz & Wind for a cost of \$30,750 to be paid for by the \$10,000.00 in the police vehicle fund and the balance out of the gaming revenue fund duly carried on a roll call vote with all members present voting yes.

FINANCE – MRS. GUTOSKY

Mr. Bittner stated Mrs. Gutosky is not here this evening but he would entertain a motion to pay the bills.

Motion by Difilippo/Alfano to pay the bills as presented duly carried on a roll call vote with all members present voting yes except Mr. Mariscotti who voted no.

PUBLIC HEALTH – MR. DIFILIPPO

PAWC MEETING – HIGHPOINT

Mr. Difilippo stated that we have met with the water company and our engineer just to talk about the possibility of water being extended up to Highpoint if we would end up running sewage up there. At it is now they are running some numbers and we will look them over and that it.

WATER PROBLEM ON SECOND ST.

Mr. Difilippo stated there was a water problem on Second Street whenever we had that bad rain that came through and water backed up into a couple of houses down there. We thought it was a check valve problem but found out that is what not a check valve problem and nothing jammed up down there at all. We now think it is a storm water problem and Bill Johnson is looking into that. We'll have something by the next meeting on that.

PERSONNEL – MR. ENCAPERA & MR. GLAB

Nothing to report at this time

MAYOR'S REPORT – MR. DURDINES

Nothing to report at this time.

ENGINEERS REPORT – MR. JOHNSON

SEWAGE TREATMENT PLANT UPDATE

Mr. Johnson stated that they did issue the notice to proceed to the general contractor and electrical contractor on August 12, 2013. The general contractor is mobilized and he believes the fence removal, clearing and grubbing, and the erosion & sedimentation controls are installed. We're getting good progress on the bulk excavation for the tanks and the slopes. You should have a progress report for the first month in your packets and you will receive those every month at your public meeting as to progress and dollars spent.

PAYMENT REQUEST #1- MELE & MELE & SONS

Mr. Johnson stated also submitted for approval is Estimate #1 from Mele & Mele who are the general contractor in the amount of \$73,871.51.

Motion by Alfano/Glab to pay Mele & Mele & Sons for Estimate #1 in the amount of \$73,871.51 duly carried on a roll call vote with all members present stating aye.

PAYMENT REQUEST – DUPERON INVOICE #13451

Mr. Johnson stated also up for approval is Duperon's invoice #13451 in the amount of \$72,800.00 and this is the 65% payment of production for the bar screen which is complete and was delivered today.

Motion by Glab/Difilippo to pay Duperon's invoice #13451 in the amount of \$72,800.00 duly carried on a roll call vote with all members present voting yes.

H2O REIMBURSEMENT

Mr. Johnson stated that they are currently working on the Borough's H2O reimbursement #3 and Shirley has provided me copies of the canceled checks needed so he should have that for council at next month's meeting.

PEACH ALLEY SANITARY SEWER PROJECT

Mr. Johnson stated they did conduct the bid openings and council was provided with the results and a letter with their recommendation was given to Mr. Bittner today and that is to award to the low bidder Bella Enterprises, Inc. in the amount of \$512,490.00.

Motion by Alfano/Glab to award the Peach Alley project to Bella Enterprise in the amount of \$512,490.00 duly carried on a roll call vote with all members present voting yes.

SOLICITOR'S REPORT – MR. MELENYZER & MR. AGRAFIOTIS

ORDINANCE #539- VACATING PORTION OF ALLEY

Mr. Agrafiotis stated council had a hearing on this matter back in May. Ralph and Amy Todd have filed a petition to vacate a portion of a 10' wide unnamed alley. The Ordinance has been properly advertised and no-one has filed any objection petition to council so we are good to go.

Motion by Difilippo/Glab to adopt Ordinance #539 which vacates a portion of an unimproved alley between Third St. and Strawberry Way and Mechanic St. and Ash Street duly carried on a roll call vote with all members present voting yes.

LONG BRANCH BOROUGH –COOPERATION AGREEMENT OF SERVICES

Mr. Agrafiotis stated he did get the distances from Jeff Tудay for the cooperation agreement with Long Branch on the plowing and grass cutting. He just received those recently and he spoke with Mr. Makel their solicitor and they are ready to proceed as well.

OLD BUSINESS

Mr. Difilippo asked Mr. Petro if he received the second bid for the 72 Second Street property. Mr. Petro stated yes we did. Mr. Difilippo asked what do we do now. Mr. Agrafiotis stated the two quotes to repair the property were more than 100% of its current value so they provided that to Mr. Petro and the Order of Demolition has already been sent out. Mr. Difilippo stated now we have to wait 45 days. Mr. Petro probably a little longer since once the certified comes back and we have to advertise as per part of the public notice process requirements.

REVIEW AND UPDATE ZONING ORDINANCE #379

Mr. Bittner asked Mr. Alfano if he thinks it is time that we start the review and update and of the Zoning Ordinance. Mr. Alfano stated good idea.

Motion by Alfano/Mariscotti to start the official review for the updating of our zoning ordinances hopefully to be presented for public meeting by November duly carried on a roll call vote with all members present voting yes.

Mr. Melenyzer stated that as far as drafting changes to the zoning ordinance that is the easy part it's getting all the input from various parties such as planning commission, council, zoning hearing board, etc. Beforehand and it can't be November 1st and be done for the November meeting. He stated this is the biggest part of it is the input needed to draft the ordinance. Mr. Melenyzer stated he's not opposed to these people coming in but nobody knows this town better than the residents and that is who really needs to give some input and not just these experts. He said get those submitted and give them to Shirley and she will see that his office gets them.

DEMOLITION LIST

Mr. Melenyzer stated that Mr. Difilippo at the last meeting talked about getting a list together for possible demolition of properties. We need to get that done to start the progress and asked if the Zoning Officer has provided him with that list. Mr. Difilippo stated he was going to bring that up under new business.

NEW BUSINESS

Mr. Melenyzer asked if the list was organized as the first being most critical and down the line. Mr. Difilippo stated he doesn't know but he gave him the ones that have been abandoned the longest amount of time. Mr. Difilippo stated he wants to go and look at these himself but he wants the zoning officer there and to list them from worse to best. Mr. Difilippo stated he needs him to check them out and the ones that are most critical to start the process on those first. Mr.

Melenyzer stated we need a motion by council to start that process, so if you have a list put them all on there that way at least you'll have the authority of council to start the procedures. Mr. Melenyzer stated just do the whole list unless council feels there are some on there that are not appropriate then we'll split them up one at a time. Just state in the motion that these are properties indicated by the Zoning officer that are abandoned and disrepair and ask council for the authority to go out and review them and get started. Mr. Bittner asked if the properties on that list are within the town limits because we are going to have some in the outlying areas most definitely.

Motion by Difilippo/Mariscotti to have the Zoning Officer look at these properties to see if he deems any of them need to be demolished and they are; 610 Second St., 124 Rear Second, 116 Second Street, 72 Second Street, 866 Wood Street, 685 Park Street, 751 Park Street, 779 Park Street, and 909 Apple Street, 911 Apple Street, and 659 High Street duly carried on a roll call vote with all members present voting yes.

Ms. Evans stated 72 Second Street is already in the process and 505 Third Street is a lot only. Mr. Melenyzer stated the motion you would be making next from that list you just identified that you were able to go and look at those properties with the zoning officer and choose which ones you want to be put in process for demolition and you're going to pick the worst ones first.

RECOGNITION OF CITIZENS

PAM LUKO

Mrs. Luko stated that she lives on Promiseland Drive and is asking council to look into placing stop signs on Promiseland Drive in front of the Nazarene Church. Mr. Bittner stated he will have the Police Chief to look at it and make a recommendation to council and if he can get it done by next Wednesday's meeting then council can act on it then.

ARTHUR HARRIS

Mr. Harris spoke about the Zoning Officer's training and stated when we draw their contracts up he doesn't know if you can add it to existing contracts but if they are going to further education and is pertaining to their job but is not mandated then put a time limit stating they have to remain employed by the borough for X amount of years or pay that money back, but make sure it states it in the contract but if it is training mandated by the state then the borough should pick up the tab. Mr. Melenyzer stated you cannot have a contract with a zoning officer under the statute of case law you cannot have a written contract for a specified time for the zoning officer. It is a statutory condition because he serves at the will of council. Mr. Harris stated doesn't he sign a contract when he gets hired to work for the borough like the other ones did with us. Mr. Petro stated he had one and Mr. Baker stated he use to have one. Mr. Harris stated then he would advise council not to send him anywhere. We've been educating how many through tax payers' dollars and we can't guarantee nothing then so let's just quit paying for it and quit sending them. If there is no way to recoup that money and tell them if it is mandated and they want to keep their jobs then they better pay out of their own pockets then. That's ridiculous.

CONTINUED MEETING

Mr. Bittner stated this meeting is continued until next Wednesday, September 19, 2013 at 6:00 pm.